

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, DC 20554

In the Matter of	)	
	)	
Amendment to the National Table of	)	RM No. 11341
Frequency Allocations to Provide	)	
Allocation Status for Federal Earth Stations	)	
Communicating with Non-Federal Satellites	)	

To: The Commission

**COMMENTS OF LOCKHEED MARTIN CORPORATION**

Lockheed Martin Corporation (“Lockheed Martin”), pursuant to Section 1.405 of the Commission’s Rules, 47 C.F.R. § 1.405, hereby submits its comments in support of the above-captioned petition for rule making that was filed by the National Telecommunications and Information Administration (“NTIA”) on August 4, 2006 (“NTIA Petition”). In its Petition, NTIA, on behalf of its Federal user community, seeks to have the Commission amend the Table of Frequency Allocations in Part 2 of the Commission’s Rules to allow Federal earth stations to operate with non-Federal satellites (i.e., satellites licensed by the Commission) on a co-primary basis, consistent with the regulatory status afforded commercial earth stations communicating with non-Federal satellites. NTIA Petition at 1-2.

Lockheed Martin fully supports the NTIA Petition on behalf of the Federal user interests that it represents. Federal users in the United States are recognizing the critical role that satellite capacity can play in ensuring redundancy in and the reliability of their communications capabilities, whether in response to national and homeland security issues in the Post-9/11 environment or in response to natural

disasters and emergencies such as Hurricane Katrina.<sup>1</sup> Reliability and redundancy would be enhanced by allowing Federal use of non-Federal satellite capacity to be accomplished on a primary basis, under the same basic terms and conditions that apply to non-Federal earth station operators. As these communications capabilities are critical to both basic homeland security and national security interests, it is in the public interest to ensure that the Federal users that elect to operate their own earth stations to meet these requirements are able to do so on a co-primary status with traditional commercial earth station operators accessing those same commercial satellite systems. Simply put, maintaining the regulatory distinction among customers/users – Federal and non-Federal (state, local, commercial or academic) – of commercial satellite systems no longer can serve the public interest. Moreover, as the Federal user community is encouraged to increase its reliance on the use of commercial satellite capacity, it is in the public interest to ensure that regulatory environment provides greater operational certainty by allowing such Federal ground infrastructure to access that capacity on a protected basis, rather

---

<sup>1</sup> See Written Statement of D. Cavossa, Executive Director, Satellite Industry Association, to the U.S. House of Representatives Committee on Armed Services, Subcommittee on Strategic Forces, Hearing on Space and U.S. National Power (June 21, 2006), at 3-4. Cited examples of U.S. Government agencies relying on commercial satellite communications for either primary or back-up communications solutions critical to homeland security include the Federal Emergency Management Agency (which relies heavily on fixed-satellite and mobile-satellite services for daily use and during emergencies); the Department of State (which relies heavily on commercial satellites to transmit voice, data, and video communications); the White House Communications Agency (which uses commercial satellite systems extensively to support the President and Vice President); the Transportation Security Administration (whose Federal Air Marshals use satellite communications while in-flight to communicate with staff on the ground); the U.S. Coast Guard (which uses commercial satellites for ship-to-ship and ship-to-shore communications and for container security and tracking); the Nuclear Regulatory Commission, which uses commercial satellites for monitoring of the status of the nuclear assets and voice communications for field personnel); the Department of Health and Human Services (which is a heavy user of fixed and mobile satellite services, and which has a command center that uses commercial satellites to back up its data networks), and the Federal Bureau of Investigation (which maintains satellite phones in every field office),.

than on a non-interference/non-protected basis. .

For those Federal user operations that would seek to operate on a primary basis, there will need to be corresponding obligations that accompany the benefits of primary status. Therefore, it will be important to clarify in the Commission's rulemaking proceeding the interagency process that will ensure that the Federal users' authorizations are subject to technical, regulatory and enforcement rules that are otherwise applicable on a band-by-band basis to non-Federal earth station licensees of the Commission. It will also be important to clarify in the rulemaking proceeding whether, if there are circumstances in which a specific Federal user would not seek regulatory parity with the commercial operators due to the licensing conditions, the current NTIA procedures authorizing Federal earth station operations on a non-interference basis will continue to be available.

Finally, as NTIA notes, the proposal is consistent with the 2004 Presidential Memorandum on Spectrum Policy's goal of promoting more efficient and beneficial use of the radiofrequency spectrum while protecting national/homeland security and critical infrastructure. *See* NTIA Petition at 2. Other benefits and efficiencies, along with the appropriate safeguards and caveats, can be explored in greater detail during the course of the rulemaking proceeding.

In short, the Commission should grant NTIA's request, and begin a rulemaking proceeding that allows the important considerations advanced by NTIA on behalf of its Federal users – together with the protections and limitations it seeks – to be explored in appropriate detail. Lockheed Martin looks forward to

participating in such a proceeding, and offering its views as a manufacturer, supplier, and integrator of commercial satellite capacity that can address matters from both the Federal and non-Federal perspectives.

Respectfully submitted,

LOCKHEED MARTIN

CORPORATION

By: Jennifer A.

Warren

Jennifer A. Warren  
Senior Director, Trade &  
Regulatory Affairs  
Lockheed Martin Corporation  
1550 Crystal Drive, Suite 300  
Arlington, Virginia 22202  
(703) 413-5970

September 18, 2006

**CERTIFICATE OF SERVICE**

I, Joe Nebbia, hereby certify that a true and correct copy of the foregoing Comments of Lockheed Martin Corporation was sent by first-class, postage prepaid mail, this 18<sup>th</sup> day of September, 2006, to the following:

Kathy D. Smith, Esq.  
Chief Counsel  
National Telecommunications and Information  
Administration  
United States Department of Commerce  
1401 Constitution Avenue, N.W.  
Room 4713  
Washington, DC 20230

\_\_\_\_\_  
*/s/*

Joe Nebbia